

Remarks/Arguments

Claims 1-21 are now pending in this application. Claims 16-19 have been withdrawn from further consideration. In the October 28, 2008 Office Action, Claims 14 and 15 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 1-15 and 20-21 were rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent No. 7,100,036 to Schwartz et al. (hereinafter “Schwartz”) in view of U.S. Patent No. 5,537,544 to Morisawa (hereinafter “Morisawa”). The Specification was objected to as failing to provide antecedent basis for the claimed subject matter.

By this amendment, claim 14 has been canceled and claim 15 has been amended. For the reasons set forth below, the applicant respectfully requests reconsideration and immediate allowance of this application.

Specification Objection and Claim Rejections Under 35 U.S.C. 101

In the October 28, 2008 Office Action, the Examiner objected to the specification as failing to provide antecedent basis for the claimed subject matter with respect to dependent claims 14 and 15. In addition, claims 14 and 15 were rejected under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter. The applicant has canceled claim 14. In addition, the applicant has amended claim 15 to recite a “computer storage medium.” Support for this amendment may be found on page 7, lines 21-30. Accordingly, the applicant submits that claim 15 recites patentable subject matter and respectfully requests that the corresponding objection and rejection be withdrawn.

Claim Rejections Under 35 U.S.C. 103(a)

Independent Claim 1

In the October 28, 2008 Office Action, claim 1 was rejected under 35 U.S.C. 103(a) as being obvious over *Schwartz* in view of *Morisawa*. The applicant respectfully submits that *Schwartz* and *Morisawa* do not separately or together teach, suggest, or describe each recitation of these claims, even if combined in the manner suggested by the Examiner. In particular, the cited combination does not describe or suggest, “determining from the data storage device

identifiers whether the data storage device supports the security features and is locked,” as recited by claim 1. The Office Action suggests that *Schwartz* discloses this recitation. *Schwartz* describes a computer security system that retrieves an identifier from a hard drive and stores the identifier in memory for future comparison with the identifier from a drive device to verify system configuration.

However, claim 1 recites determining from a storage device identifier whether the corresponding device supports security features and is locked. An example of an embodiment encompassing this recitation can be seen, *inter alia*, in FIGURE 3 and in the corresponding description of the current specification on page 12, lines 17-21, “Operation 304 determines whether the data storage device is locked. This may [be] accomplished by reading identifiers associated with the data storage device during a power on test procedure. The identifiers show whether the device supports the standard security features and whether the device is locked.” Further detail is provided on page 13, lines 22-30 of the specification.

In contrast, *Schwartz* merely retrieves, stores, and compares hard drive identifiers and does not describe or suggest determining any characteristics or status information with respect to the storage device from the identifier as is recited by claim 1. The identifiers described by *Schwartz* are used to verify that a drive attached to the computer system is a drive identified in memory and do not contain any information other than drive identification. *Schwartz* does not describe reading identifiers from a data storage device and from those identifiers, determining whether the storage device is locked and whether the device supports security features.

Moreover, the cited art does not describe or suggest, “in response to determining that the data storage device supports the security features and is locked, determining whether the data storage device is returning from a powered off state or a hardware reset,” as recited by claim 1. The Office Action suggests that *Schwartz* teaches this recitation. First, for the reasons described above, *Schwartz* does not disclose determining that the data storage device supports the security features and is locked. Therefore, *Schwartz* could not disclose taking any action in response to making such a determination. Moreover, the applicant submits that *Schwartz* does not describe, “determining whether the data storage device is returning from a powered off state or a hardware reset,” as recited by claim 1. *Schwartz* describes comparing identifiers for system configuration verification purposes during execution of a power-on self-test. There is no discussion within the *Schwartz* reference of determining whether a storage device is returning from a powered off state

or hardware reset. This is a specific device state determination that is not equivalent to performing device confirmation procedures during a power-on self-test. Accordingly, for at least these reasons, the applicant respectfully submits that independent claim 1 is allowable over *Schwartz* in view of *Morisawa*.

Independent Claim 20

In the October 28, 2008 Office Action, claim 20 was rejected under 35 U.S.C. 103(a) as being obvious over *Schwartz* in view of *Morisawa*. The applicant respectfully submits that *Schwartz* and *Morisawa* do not separately or together teach, suggest, or describe each recitation of these claims, even if combined in the manner suggested by the Examiner. In particular, the cited combination does not describe or suggest, “in response to determining that the data storage device is locked, determining whether the data storage device is returning from a sleep state” and “in response to the data storage device being locked and returning from a sleep state, determining whether the data storage device was unlocked prior to the sleep state,” as recited by claim 20. The Office Action recites *Schwartz* as disclosing these recitations.

However, as described above with respect to independent claim 1, *Schwartz* does not discuss making any determinations with respect to whether or not a storage device is or has been locked, and more particularly, whether the device is returning from a sleep state and whether the device was locked or unlocked prior to entering the sleep state. *Schwartz* merely compares identifiers stored in a storage device and within computer system memory to determine if the storage device is the device corresponding to the identifier stored in computer memory. This comparison and determination in no way relates to the locked or unlocked state of the storage device or any sleep state associated with the device. Accordingly, for at least these reasons, the applicant respectfully submits that independent claim 20 is allowable over *Schwartz* in view of *Morisawa*.

Dependent Claims 2-13, 15, and 21

Because the cited art fails to teach, suggest, or describe the recitations of claims 2-13, 15, and 21, and because claims 2-13, 15, and 21 depend from allowable independent base claims 1 and 20, dependent claims 2-13, 15, and 21 are allowable over the art of record.

Conclusion

In view of the foregoing amendment and remarks, the applicant respectfully submits that all of the pending claims in the present application are in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the applicant's undersigned attorney at the number below.

Respectfully submitted,

HOPE BALDAUFF HARTMAN, LLC

/Michael J. Baldauff, Jr./

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Michael J. Baldauff, Jr.
Reg. No. 57,998

Hope Baldauff Hartman, LLC
1720 Peachtree Street, N.W.
Suite 1010
Atlanta, Georgia 30309
Telephone: 404.815.1900

53377

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